

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

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FILE

In re Applications of)	MM DOCKET No. 92-183
WESTERN INSPIRATIONAL BROADCASTERS,)	File No. BPED-910923MF
INC.)	
BROAD SPECTRUM COMMUNICATIONS, INC.)	File No. BPH-910925ME
PHOENIX BROADCASTING, INC.)	File No. BPH-910926ME
NINETY-TWO SEVEN, LTD.)	File No. BPH-910926MF
For Construction Permit for New)	
FM Broadcast Station on Channel)	
224A at Chico, California)	

TO: Honorable Edward J. Kuhlmann
Administrative Law Judge

RECEIVED

SEP - 8 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MOTION TO DELETE CONTINGENT ENVIRONMENTAL ISSUE

Phoenix Broadcasting, Inc. (Phoenix), by its attorney, and pursuant to Section 1.229 of the Commission's Rules, hereby seeks that the presiding Judge delete the "contingent environmental issue" specified against Phoenix (issue 1 in this case). This is the only issue other than the standard comparative issue specified in connection with the Phoenix application. In support whereof, the following is shown:

1. Simultaneously herewith, Phoenix filed an amendment and a motion for leave to amend to clear up a question raised by the Commission's staff with respect to its environmental showing as to the protection to be provided to workers at the tower site from RF radiation. That amendment is attached hereto as Exhibit A.

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2. In other recent cases where an "RF radiation" matter has been raised by the staff, and an amendment as of right was filed to clear up the matter, the staff has written to the presiding ALJ to request that the "contingent environmental issue be eliminated from the Hearing Designation Order". See, e.g., Exhibit B, letter of W. Jan Gay, Assistant Chief, Audio Services Division, Mass Media Bureau, to the Honorable Edward Luton in MM Docket No. 91-209 (Sun City, CA).

3. Under this procedure, it is clear that deletion of the contingent environmental issue against Phoenix is appropriate. Thus, it is urged that this motion be granted.


WHEREFORE, it is urged that this Motion to Delete Contingent Environmental Issue BE GRANTED and that issue 1, the "contingent environmental issue", BE DELETED.

Respectfully submitted,

PHOENIX BROADCASTING, INC.

CORDON AND KELLY
Post Office Box 6648
Annapolis, MD 21401

By


Dennis J. Kelly
Its Attorney

September 8, 1992



KCEZ Digital 100.7

September 2, 1992

Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Application for FM on 92.7 mhz at Chico, CA

Dear Sir or Madam:

This letter is to certify that should Phoenix Broadcasting, Inc. be granted a construction permit and later a license to operate this station, in order to prevent possible RF exposure, we will shut the station transmitter down when notified that a person will be climbing the transmit tower. This policy agrees with that posted at the proposed site.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Katz", is written over the word "Sincerely," and extends across the line for the name.

Gary Katz
President
Phoenix Broadcasting, Inc.

PO Box 7568, Chico, CA 95927 (916) 342-2200
1806 Solano St. Corning, CA 96021 (916) 384-2200
PO Box 1173, Red Bluff, CA 96080 (916) 384-2200
FAX (916) 342-2260

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

20 SEP 1991

IN REPLY REFER TO:
8920-JDB

Judge Edward Luton
Office of Administrative Law Judges
Federal Communications Commission
Washington, DC 20554

In re: Vineyard Communications, Inc.
Sun City, California
File No. BPH-900122NV
MM Docket No. 91-209

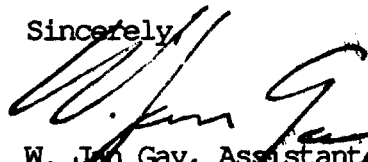
Dear Judge Luton:

The Chief, Audio Services Division, has received a submission of environmental assessment submitted by the above-captioned applicant. This assessment, submitted pursuant to 47 C.F.R. § 73.3522(b), addresses the contingent environmental issue specified in the Hearing Designation Order.

Upon examination of the enclosed pleading, the Bureau finds that the information satisfies the requirements of 47 C.F.R. § 1.1311.

Accordingly, the Bureau requests that the contingent environmental issue specified as to this applicant be eliminated from the Hearing Designation Order.

Sincerely,



W. Jim Gay, Assistant Chief
Audio Services Division
Mass Media Bureau

cc: Paulette Laden, Esq.
Dennis J. Kelly, Esq.
John K. Hane, Esq.

Eric S. Kravetz, Esq.
Chester F. Naumowicz, Esq.
John Garziglia, Esq.

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "Motion to Delete Contingent Environmental Issue" were served by hand on this 8th day of September, 1992 upon the following:

Honorable Edward J. Kuhlmann
Administrative Law Judge
Federal Communications Commission
Washington, DC 20554

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Chief, Hearing Branch
Mass Media Bureau
Federal Communications Commission
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Counsel for Ninety-Two Seven, Ltd.


Dennis J. Kelly